

# Memorandum

Date : February 10, 2004

To : Executive Staff  
Regional Administrators, Institutions Division  
Regional Parole Administrators  
Regional Administrators, Health Care Services Division  
Wardens  
Health Care Managers

Subject : **MODIFICATION AND CLARIFICATION OF THE INTERNAL HIRING FREEZE**

The purpose of this memorandum is to modify the departmental directive issued on December 18, 2003, stating that **all appointments (with the exception of those identified in the December 18, 2003, memorandum) are to be made on a limited-term basis only**, provide clarification on the internal hiring freeze, and to outline the process for hiring limited-term.

A hard internal hiring freeze was imposed due to the deactivation of the Basic Correctional Officers Academy at the Richard A. McGee, Correctional Training Center (CTC). It is anticipated that the hard freeze will remain in effective for approximately 60 days. Provisions of the hard internal freeze take precedence over this memorandum. When the placements of impacted CTC staff have been completed and the hard internal freeze lifted, all appointments will become subject to this memorandum.

To give hiring authorities the flexibility within their organizations, permanent hires are allowed for same class to same class movement within the same institution, parole region (Parole Headquarters and Parole Region I are combined), or division without an Internal Hiring Freeze Exemption Request (IHFER). Although authority to hire is being delegated in some instances, all appointments are subject to the provisions of external freeze (Executive Order S-3-03 and Budget Letter 03-42). The IHFER process takes priority over the external freeze and State Restriction of Appointments (SROA)/Surplus candidates.

In order to begin the recruitment process, on a limited-term basis, Personnel has unfrozen the certification lists for Academic Teacher classifications and the custody classifications for which the Financial Services Division has obtained statewide freeze exemption from the Department of Finance. When advertising a vacancy, the advertisement should contain verbiage regarding the position being filled on a limited-term basis with the potential of becoming permanent.

Due to the current fiscal situation, all hires are to be made on a limited-term basis for 24-months unless exempted. There is a strong possibility that the limited-term appointments may eventually be converted to permanent. Appointments made from certifications lists are subject to the provisions of the external freeze. To ensure that the limited-term employee would be eligible in the future to be converted to permanent, please instruct your Personnel office to adhere to the following steps:

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- Order both a permanent and limited-term Certification (Cert).
- Send inquiry letters (STD 628 Laser) based on the names appearing on the permanent Cert.
- Indicate on the inquiry letters that the position is being filled limited-term for 24-months with the potential for converting to permanent at a later time.
- Once the candidate is selected by the hiring program, determine if he or she is on the limited-term Cert.
- If on the limited-term Cert, cross reference the responses received to the inquiry letters to the limited-term Cert and code the employee hired from that limited-term Cert.
- If the selected candidate is not on the limited-term Cert, contact him or her and request that he or she submit a written request to be considered for limited-term appointments.
- Once the request is received, update the employee's record in the Cert system to include limited-term as a preference.
- Issue a second limited-term Cert, cross reference the responses from the original inquiry letters to the second Cert and code the employee as hired from the second limited-term Cert.
- Maintain both limited-term Certs as well as the permanent Cert for audit purposes. To transition the employee to permanent at a later time, the employee must have had permanent list appointment eligibility at the time of the limited-term hire. Also, a commitment to hire permanent must have been made during the life of the permanent Cert. When transitioning the employee to permanent, the program must indicate on the hire documents that a commitment was made and the date of the commitment. Personnel staff are required to enter this date to substantiate the use of an expired Cert.
- Be sure to document the date the commitment to hire was made to the candidate. If at a later time, the appointment can be converted to permanent, refer back to the original permanent Cert to effect that appointment, indicating the original commitment date when completing the Personnel Action Request (PAR) document.
- Maintain all records for audit purposes.

Training and Development assignments (T&D) are allowed without an external freeze exemption as long as the position reclassification does not require the identification of additional funding. If additional funding must be identified when reclassifying the position, an external freeze exemption is required. An IHFER is not required in either circumstance because the T&D is considered a temporary appointment and has an expiration date. Upon expiration of the T&D and transition of the employee, an external freeze exemption is not required if the effective date of the T&D was prior to November 20, 2003, due to a prior commitment being made. If the T&D assignment was effective on or after November 20, 2003, and the employee is eligible to receive an increase in salary at the time of appointment or in the future due to range changes, an

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external freeze exemption is required. Because the employee's classification will change upon transition, an IHFER is required in either situation. For documentation purposes, the approved exemptions are to be retained with the hiring package.

The following summarizes when an appointment or transaction is exempt from the IHFER process:

1. Exempt and Career Executive Assignments.
2. Mandatory Reinstatements (e.g., termination/expiration of a T&D or limited-term assignment, rejection during probation, stipulated agreement resulting from a disciplinary action, reinstatement from Non-Industrial Disability Insurance, Industrial Disability Leave, Leave of Absence, Military Leave, **rotational assignment**, etc.).
3. Placements being made by the Departmental Placement Services Team (DPST) as a result of approved layoff plans.
4. Current **California Department of Corrections'** (CDC) staff who have been designated SROA/Surplus. Appointments are still subject to the provisions of the external freeze.
5. Exercising the Right of First Refusal process for Northern California Women's Facility staff, Correctional Administrators, Parole Administrators, Facility Captains, Correctional Captains, Community Correctional Facility custody staff, and the three regional Correctional Lieutenants.
6. Specified classifications for which the Department has recruitment difficulties. The specified classifications were identified on an attachment to the December 18, 2003, memorandum. The classifications listed on the attachment are subject to change. Appointments are still subject to the provisions of the external freeze.
7. Limited-term appointments. Appointments are still subject to the provisions of the external freeze.
8. T&D assignments. Appointments are still subject to the provisions of the external freeze.
9. Same class to same class movement within the same institution, parole region, or division made on a permanent basis.
10. Movement of staff from one blanket position to another blanket position. Appointments are still subject to the provisions of the external freeze.
11. Roll-over of permanent intermittent Correctional Officers to full-time.

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The following summarizes when an appointment or transaction is exempt from the external hiring freeze:

1. Exempt and Career Executive Assignments.
2. Filling a position for which an external freeze exemption had previously been obtained (a specific position number must have been identified) but the position has not been filled.
3. Mandatory Reinstatements (e.g., termination/expiration of a T&D or limited-term assignment, rejection during probation, stipulated agreement resulting from a disciplinary action, reinstatement from Non-Industrial Disability Insurance, Industrial Disability Leave, etc.).
4. Required reassignments (e.g., transfer, demotions, etc.) resulting from an approved layoff plan (within CDC only).
5. Hire commitments made prior to July 1, 2003 (Refer to Budget Letter 03-17).
6. Hire commitments made prior to November 20, 2003 (Refer to Budget Letter 03-42).
7. Intradepartmental transfers provided that the employee is not eligible for a salary increase upon movement or in the future due to range changes.

In an effort to provide further clarification, answers to questions that have been posed to the DPST over the past few weeks are attached.

Please ensure this information is shared with appropriate staff immediately. If you have any questions or need additional information regarding the internal hiring freeze or IHFER process, please contact the DPST via e-mail at [Placementsvcs@corr.ca.gov](mailto:Placementsvcs@corr.ca.gov) or (916) 327-9761.

***Original Signed By:***

RICHARD A. RIMMER  
Director (A)  
Department of Corrections

Attachments

cc: DPST  
Institutional Personnel Officers  
Personnel Liaisons